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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,425	02/11/2004	Brett B. Stewart	5285-00108	2888

7590 12/09/2004

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EXAMINER

PHAN, DAO LINDA

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/776,425

Applicant(s)

STEWART, BRETT B.

Examiner

Dao L. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-32, 52-102, 110, 150-153, 155-157, 159-163, 167 and 169 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-19, 21-32, 52-102, 110, 150-153, 155-157, 159-163, 167, 169 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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1. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19, 21-32, 52-102, 110, 150-153, 155-157, 159-163, 167, 169 are rejected under 35 U.S.C. 102(b) as being anticipated by Park (Pat. No. 5,627,549).

Park teaches providing geographic based promotion services to a computing device including receiving (20; col 4, line 35+) a geographic location of the computing device, selecting (col 10, lines 66-67) advertisement information dependent upon the geographic location 80 of the computing device, and transmitting (fig. 6) the advertisement information to the computing device after selecting.

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Park further teaches providing geographic based promotion services to a computing device including receiving (20; col 4, line 35+) a geographic location of the computing device, and transmitting (fig. 6) the advertisement information to the computing device, wherein the content of the advertisement information is dependent on the geographic location 80 of the computing device.

4. Claims 1-19, 21-32, 52-102, 110, 150-153, 155-157, 159-163, 167, 169 are rejected under 35 U.S.C. 102(e) as being anticipated by Semple et al (Pat. No. 6,408,307) or Filepp et al (US 2003/0018527).

Semple et al teach providing geographic based promotion services to a computing device including receiving (16; fig. 3, 3A, 3B, 3C, 6A) a geographic location of the computing device, selecting (the last 2 lines of the abstract) advertisement information dependent upon the geographic location (16; fig. 3, 3A, 3B, 3C, 6A) of the computing device, and transmitting (col 15, lines 53-55) the advertisement information to the computing device after selecting.

Semple et al further teach providing geographic based promotion services to a computing device including receiving (16; fig. 3, 3A, 3B, 3C, 6A) a geographic location of the computing device, and transmitting (col 15, lines 53-55) the advertisement information to the computing device, wherein the content of the advertisement information is dependent on the geographic location (16; fig. 3, 3A, 3B, 3C, 6A) of the computing device.

Filepp et al teach providing geographic based promotion services to a computing device including receiving (abstract, lines 18-25) a geographic location of the computing

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device, selecting (paragraph 0019, 0241) advertisement information dependent upon the geographic location of the computing device, and transmitting (paragraph 0234) the advertisement information to the computing device after selecting.

Filepp et al further teach providing geographic based promotion services to a computing device including receiving (abstract, lines 18-25) a geographic location of the computing device, and transmitting (paragraph 0234) the advertisement information to the computing device, wherein the content of the advertisement information is dependent on the geographic location (abstract, lines 18-25) of the computing device.

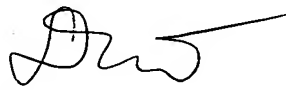
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao L. Phan whose telephone number is (703)306-4167. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarcza Thomas can be reached on (703)306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAO PHAN  
PATENT EXAMINER